IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2542 OF 2005

Shri Kurian Babu .. Petitioner

Vs.

Shri Dilip Chinchore & Ors. .. Respondents

Petitioner, party-in-person present.
Mr. S.R. Chitnis with V.R. Raje for Respondent No.2.
Mr. K.V. Saste, APP for Respondent No.3-State.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : January 23, 2006.

P.C.:

1. Heard the petitioner, party-in-person. He has sought to invoke Article 226 of the Constitution for directing his complaint to the State C.I.D. for investigation into the affairs of a club by name "METS Club" located in Pune. We have noticed that the petitioner has already approached the court of Judicial Magistrate, First Class at Pune in Criminal Case No.278 of 1997, he has exmained five witnesses as on 18/12/2003, the evidence of the complainant is closed, the statements of the accused persons have been recorded under Section 313 of Cr.P.C. and the criminal case is now posted for final hearing on 24/1/2006. There is no reason to believe at this

stage that the court below will not consider the rival contentions of the parties and the nature of the evidence placed on record both in terms of oral as well as documentary evidence.

2. We, therefore, dispose off this petition by directing the learned JMFC - Court No.5 at Pune to hear and decide Criminal Case No.278 of 1997 on its own merits and without being influenced by this order as expeditiously as possible and in any case before 31st March, 2006. In case the petitioner requires some time for advancing his arguments, such a request shall be certainly considered by the learned Judge of the trial court tomorrow when he submits such an application.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**